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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,358	02/12/2004	Richard Skorka	002-23	7889

7590 05/18/2005
James E. Brunton, Esquire
Post Office Box 29000
Glendale, CA 91209-9000

EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,358

Applicant(s)

SKORKA

Examiner

Amy J. Sterling

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the first Office Action for application number 10/779,358, Wall Hanger Assembly, filed on 2/12/04. Claims 1-20 are pending. This application is a CIP of 10/187,169 now U.S Patent 6,695,276.

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1, line 11 recites, "the said hanger" which should be changed to "said hanger".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

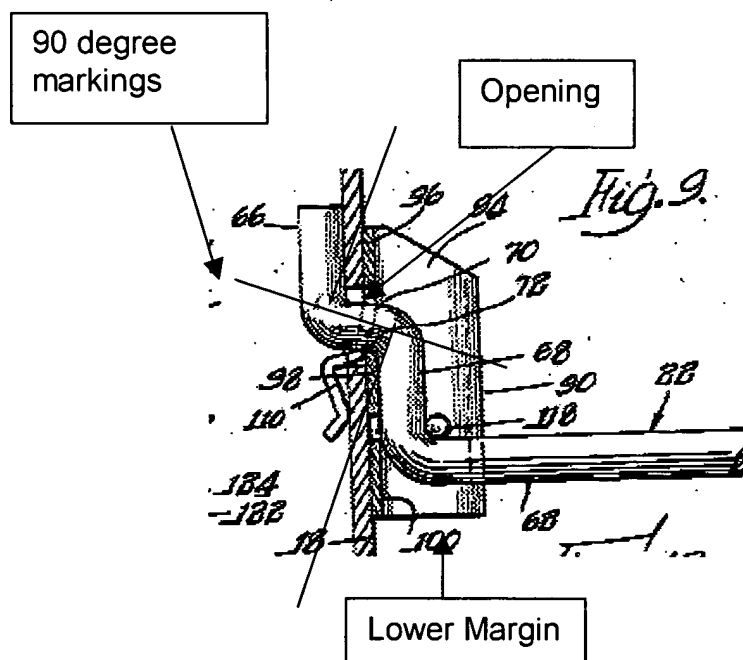
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-19 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2841353 to Burdick.

The patent to Burdick discloses a hanging device a hanger (64, 66, 68, 70) having a length and a hook (64) formed on a leg (68) of the hanger, an arm (66) extending in an upturned direction from the direction of the leg (68) and an extension member (70) integrally formed with and disposed between the leg and the arm, the

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extension member having a thickness and a width which is greater than the thickness of a wallboard (18) and being of a first length which is less than the arm being of a second length which is greater than the first length, both the arm and the leg extending up from the extension member at an angle greater than 90 degrees. Figure 9 shows wherein both the arm and leg extend at an angle greater than 90, see the marked up Drawing Below. (Note, the 90 degree markings as drawn free-hand in the drawing below are not exact, but merely indicative of how the device reads on the claim).



Burdick also discloses a generally oval shaped support member (86) to which the hanger is attached, the support member having a curved lower margin (See Drawing Above) and a length which is less than the length of the hanger, the hanger having an opening (See Drawing) therethrough, with a bottom, the opening which is substantially the same cross-sectional geometry as that of the hanger, the mating of the

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hanger and support preventing the hanger from turning about the support member, the extension member being mounted to the support member through the opening in their combination with each other. Burdick also discloses that the support member has a wallboard securement means including a plurality of apertures (In between 108, 98 and 110), one disposed proximate to the lower margin and a plurality of fasteners (108, 110) having a width two of which are spaced along a level line in close proximity of the bottom of the opening of the support member and located from the edge of the support at a distance proximating the width of the fasteners.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2841353 to Burdick as applied to claim 1 above, and in view of United States Patent No. 4325528 to Martin.

Burdick discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the extension member has a width that is greater than the thickness thereof.

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Martin shows a hanger with a leg (2), an arm (3) and an extension member (4) which has a greater width than thickness, used so that the device is more durable in the width direction than the thickness direction. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Martin to have made the device of the above configuration in order to have the device more durable in width than thickness.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2841353 to Burdick as applied to claims 13-15, 18 and 19 above, and in view of United States Patent No. 6042078 to Donovan and further in view of United States Patent No. 5503204 to Byers et al.

Burdick disclose applicant's basic inventive concept, all the elements which are shown above with the exception that the fastener is not specifically a metal brad.

Donovan shows a brad fastener (70), used for easily and quickly attaching a hanging device to a wall. Donovan does not specifically recite that the brad is made from metal.

Byers et al. teaches a brad made from metal, (See Col. 6 line 46) the metal material used for its strength.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Donovan to use a brad fastener, in order to quickly and easily attach the device to the supporting surface and from the teachings of Byers et al. to have made the brad of metal due to its strength properties.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various hanger devices

4941632 to Couls et al.

4509713 to Hogg

3879006 to Staudte, Jr.

3547389 to Mitchell

3312442 to Moeller

3289992 to Brooks

2789783 to Jones

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 703-872-9306 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.



Amy J. Sterling
5/14/05